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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,562	12/19/2001	Henry Dexter Chadwick	SVL920010004US1	1023
47069	7590	09/23/2005	EXAMINER	
KONRAD RAYNES & VICTOR, LLP ATTN: IBM54 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			LE, UYEN T	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,562

Applicant(s)

CHADWICK, HENRY DEXTER

Examiner

Uyen T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,9-14,17,19,25-30,33,35,41-46 and 49-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,9-14,17,19,25-30,33,35,41-46 and 49-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment to Figure 8 is acknowledged. Applicant's explanations regarding Figure 6 have been fully considered. However, no "start" point can be found on any Figure although "end" appears throughout the flowcharts of the drawings.

Therefore, objection to the drawings is maintained.

2. Applicant's arguments regarding Nelson of record have been fully considered but they are moot in view of the new grounds of rejection presented in this Office Action. Applicant seems to argue the claims as amended.

### ***Drawings***

3. The drawings are objected to because no "start" point can be found on any Figure although "end" appears throughout the flowcharts of the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the

remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 11-14, 19, 27-30, 43-46, 35, 50, 51, 52, 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because:

Claims 3, 19, 35 depend from canceled claims

Claim 51 recites "the system of claim 1". Does applicant intend to mean –the system of claim 17--?

Claims 11, 27, 43, last paragraph is not understood. It seems that the metadata file is already fully constructed for the method to access at line 3

Claims 50, 52, 54, lines 4, 5 "a node having values defined by leaf universal labels or the leaf of one node" is not understood due to the awkward wording of the claim language. How is the universal label at line 3 related to the leaf universal labels of line 4? Each node has many values?

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Art rejection is applied to claims 3, 11-14, 19, 27-30, 43-46, 35, 51 as best understood in light of the rejection under 35 U.S.C. 112, second paragraph discussed above.

No art rejection is being applied to claims 50, 52, 54 because the limitations cannot be ascertained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 9-14, 17, 19, 25-30, 33, 35, 41-46, 49, 51, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGrath et al (US 2002/0116392).

Claim 1 merely reads on the method of McGrath building metadata files from metadata objects using XML (see Figures 1-4). The method clearly receives multimedia file including essence (see 0035, video material), metadata objects providing information on the essence (see 0050), and a unique identifier assigned to the essence (see the abstract, UMID). The essence is clearly extracted from the file since it is stored separate from metadata (see Figure 2). The claimed steps (i), (ii) and (iii) are met when McGrath shows how the metadata objects are used in creating the information to be stored in the metadata database (see 0049-0050). McGrath further shows metadata object including label and attribute of a label at page 3, right column. Although the method of McGrath seems to store the essence and the metadata file in different data

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stores, where to store the essence and metadata does not in any way affect how the metadata file is generated from the metadata objects. Furthermore, since users requirements vary, it would have been obvious to one of ordinary skill in the art to include storing both essence and metadata file in a data store as claimed in order to accommodate users requirements.

Regarding claim 3, since the UMID is unique, clearly one separate metadata file has to be generated for each received multimedia file as claimed.

Regarding claim 9, McGrath discloses the essence data of multimedia (see the abstract).

Regarding claim 10, McGrath teaches implementing UMID in KLV (see 0037). Furthermore, the video shown in McGrath is clearly for media exchange (see Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art to include multimedia files conforming to Media Exchange Format and implementing KLV coding scheme for the metadata objects in the multimedia files in order to benefit from standardized techniques.

Regarding claim 11, McGrath discloses receiving a unique identifier (UMID), accessing the essence and metadata file associated with the unique identifier, generating one reconstructed metadata object for each tagged element and attribute in the metadata file and assembling a reconstructed multimedia file including the reconstructed metadata objects, the accessed essence and the received unique identifier when McGrath shows a processing users request for desired video material and accessing video material on the basis of a URL and UMID (see the whole

document). Since the metadata file includes tagged elements and attributes from metadata objects, clearly the reconstructed multimedia file has to be assembled as claimed.

Regarding claim 12, since the metadata file consists of tagged elements and attributes, clearly reconstructing metadata objects requires accessing the metadata from one tagged element or attribute in the metadata file and storing the accessed metadata in the reconstructed metadata object for the tagged element or attribute as claimed.

Claims 13, 14 merely recite operations indispensable in the reconstruction of the metadata objects of McGrath. Since each metadata object is associated with a label and an attribute of a label, it would have been obvious to one of ordinary skill in the art to include providing a mapping for relating labels and attributes in order to correctly reconstruct metadata objects.

Regarding claim 49, McGrath discloses metadata objects including a universal label (see 0038).

Claims 17, 19, 25-30, 51, 33, 35, 41-46, 53 correspond respectively to a system and computer program product for performing the method of claims 1, 3, 9-14, 49, thus are rejected for the same reasons discussed in claims 1, 3, 9-14, 49 above.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15 September 2005



**UYEN LE**  
**PRIMARY EXAMINER**